

REMARKS

The only issues outstanding in the Office Action mailed October 30, 2008, are the objection to claim 1 and the new grounds of rejection under 35 U.S.C. 103. Reconsideration of these issues, in view of the following discussion, is respectfully requested.

Claim Objections

The Examiner is thanked for noting the British spelling in claim 1. Appropriate correction has been made, and withdrawal of the objection is respectfully requested.

Rejection Under 35 U.S.C. 103

All pending claims (claims 1 and 4-20) have been rejected under 35 U.S.C. 103 over commonly assigned Dufresne '638 and Dufresne '956. Reconsideration of this rejection, in view of the following discussion, is respectfully requested.

Dufresne '638 discloses a process for ex-situ presulfurization of hydrocarbon conversion catalysts. In this process, the catalyst is contacted with a presulfurizing agent containing elemental sulphur and organic liquid, the catalyst is impregnated with the liquid, as disclosed at column 2, lines 43-60. It is argued that page 5 of the Office Action argues that this reads on the "second step" of presently claimed 1. However, contrary to the indication at page 5 of the Office Action, passivation as recited in Dufresne '638 occurs *after* activation and sulfurization. See column 5, lines 65-67.

Dufresne '956 discloses a process in which a hydrocarbon hydroconversion catalyst is sulfurized, optionally activated with hydrogen to produce sulfides, followed by passivation. See, for example, column 2, line 64 through column 3, line 53. Again, this is seen to teach *subsequent* passivation of a sulfurized catalyst, rather than first treating the catalyst with an oxidized gaseous stream, followed by contact with organic liquid. It is accordingly respectfully submitted that even the combination of references fails to suggest the present process, in which claim 1 has been clarified to recite that the oxygenation is "subsequent" to the sulfurization.

Moreover, it is noted at page 6 of the Office Action that the present claims do not require that

the contact with the organic liquid “immediately” follows contact with the oxidizing gas stream. Attention is directed to new independent claim 21, in which it is recited that the second step is conducted on a catalyst previously contacted with said at least one oxidizing gaseous stream and *without any intervening chemical reaction between the first and second steps*. Such an embodiment of the invention, clearly supported by the examples herein, teaches that the steps do follow one after another, but of course does not exclude transport of the catalyst to a facility which can process the impregnation of the organic liquid. It is respectfully submitted that this embodiment of the invention is also in no way suggested by the combination of references. Finally, new independent claim 22 does recite “immediate oxygenation

Accordingly, withdrawal of the rejection under 35 U.S.C. 103 is respectfully requested.

The claims of the application are submitted to be in condition for allowance. However, should the Examiner have any questions or comments, she is cordially invited to telephone the undersigned at the number below.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,

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